

20-mj-360 HB

STATE OF MINNESOTA

ss. AFFIDAVIT OF NATHAN R. BOYER

COUNTY OF RAMSEY

I, Nathan R. Boyer, being duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), and have been so employed since November 2016. I am currently assigned to the St. Paul Field Division, where I am involved in various aspects of ATF enforcement programs, including investigations of violent criminals, criminal organizations, illegal use and trafficking of firearms, illegal use and storage of explosives, and acts of arson and bombings. I obtained a Master's of Science degree in Criminal Justice from St. Cloud State University. Prior to working at ATF, I previously worked for ten years in the chemical dependency field.

2. In my capacity as a Special Agent with the ATF, my responsibilities include, but are not limited to, investigating firearms violations under Title 18 of the United States Code. During my time with the ATF, I have investigated multiple cases falling within the ATF's Arson and Explosives jurisdiction. I graduated from the 26-week combined Criminal Investigator Training Program at the Federal Law Enforcement Training Center and the Special Agent Basic Training at the ATF National Academy. I have received significant amounts of training on the subject-

matter within the ATF's jurisdiction, including courses in criminal investigations, federal firearms violations, federal arson laws, and federal explosives laws.

3. The facts in this Affidavit are based on my personal observations, my training and experience, evidence gathered pursuant to search warrants, and information obtained from other agents and witnesses. This Affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and arrest warrant and does not set forth all of my knowledge about this matter.

4. This affidavit is being submitted in support of the criminal complaint for BRANDEN MICHAEL WOLFE. Based on my training and experience and the facts set forth in this Affidavit, I respectfully submit that there is probable cause to believe that WOLFE has aided and abetted the commission of arson in violation of 18 U.S.C § 844(i) (arson) and 18 U.S.C. § 2 (aiding and abetting).

FACTS ESTABLISHING PROBABLE CAUSE

Case History

5. On May 25, 2020, George Floyd died while in the custody of the Minneapolis Police Department. The nature and circumstances of Mr. Floyd's arrest, subsequent death, and the actions of the Minneapolis Police Department came under intense public scrutiny. Almost immediately following Mr. Floyd's death, public protests began in Minneapolis and expanded throughout the Twin Cities metro area.

6. Following the mostly peaceful protests that occurred on May 26, 2020, the cities of Minneapolis and St. Paul endured multiple nights of violence and destruction. Between May 27 and May 30, 2020, following several organized and

peaceful protests, hundreds of individuals carrying on into the night vandalized and looted local businesses and destroyed buildings, vehicles, and other property through arson, smashing doors and windows, and throwing objects. The Minneapolis neighborhood surrounding the East Lake Street/Hiwatha intersection, near the site of the police's encounter with Mr. Floyd, was particularly hard hit, with numerous business in the neighborhood looted and partially destroyed by vandalism and arson.

7. On the night of May 28, 2020, the Minneapolis Third Precinct police building located at 3000 Minnehaha Avenue (the "Third Precinct") was overrun and heavily damaged by fire. As seen in the below photograph published in *The Star Tribune*, flames and smoke are visible at the entrance to the Third Precinct.



8. Video footage from helicopter cameras captured the extent of the arsons and shows the Third Precinct on fire with smoke billowing from the building in the bottom of the picture, with a storefront across the street entirely engulfed in flames.



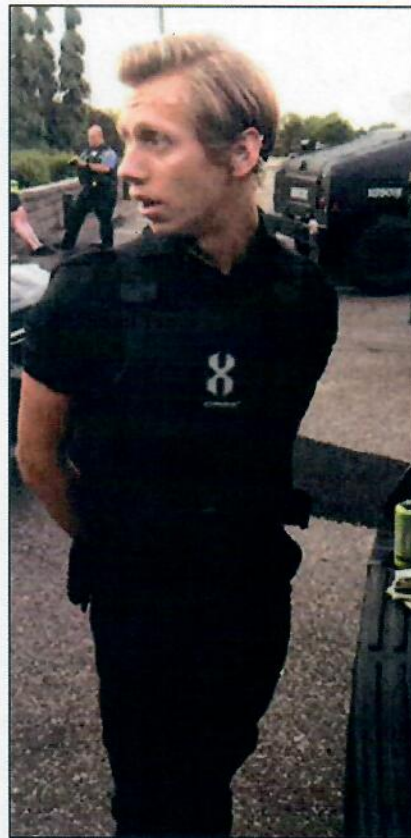
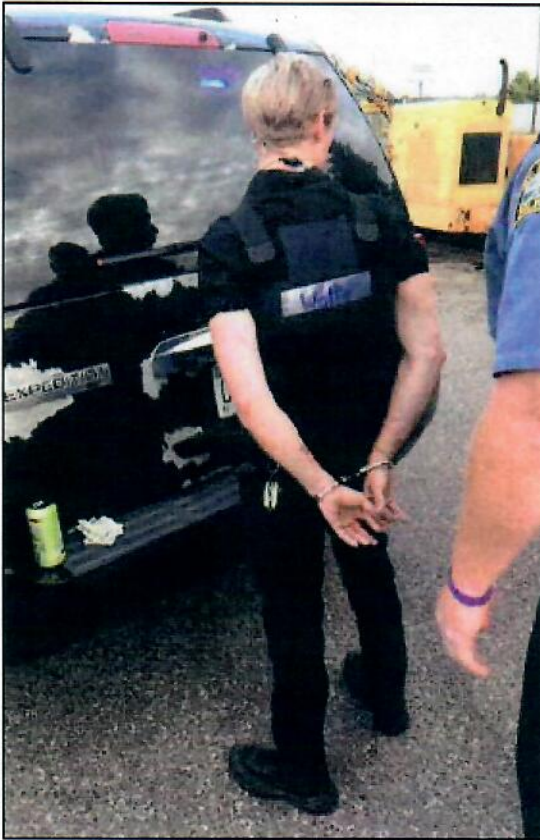
9. Investigators have subsequently identified multiple separate fires started in the Third Precinct. Vandalism and arson that night caused extensive damage to the Third Precinct.

WOLFE Is Arrested Wearing a Tactical Vest from the Third Precinct

10. On the evening of June 3, 2020, St. Paul Police Officers responded to the Menards home improvement store on University Avenue in St. Paul. Officers received a complaint that an individual wearing body armor and a law enforcement duty belt and carrying a baton was trying to get into the store. That individual was later identified as defendant WOLFE.

11. According to employees at the store, WOLFE had been employed as a security guard at the Menards. Employees told officers that earlier that day, WOLFE was fired after referring to social media posts about him stealing items from the Third Precinct.

12. Officers located a vehicle in which WOLFE was a passenger and pulled the vehicle over several blocks from the Menards. Officers at the scene observed WOLFE wearing body armor with his name handwritten on duct tape on the back, as depicted in the photograph below. WOLFE was also wearing a police-issue duty belt with handcuffs, an earphone piece, baton, and knife.



13. Law enforcement placed WOLFE under arrest at the scene.

Law Enforcement Officers Interview WOLFE

14. After his arrest on June 3, 2020, WOLFE waived his Miranda rights and agreed to an interview with law enforcement. During the interview, WOLFE admitted that he was present inside the Third Precinct, that he took property from the building, and that he pushed a wooden barrel into a fire.

15. During the interview, law enforcement showed WOLFE multiple photographs taken by witnesses at the scene. WOLFE identified himself as the shirtless individual wearing a hat and holding a police baton, with smoke and flames visible in the background.



16. Another photograph taken by a witness depicts a fire burning at the front entrance of the Third Precinct. WOLFE is visible in the left foreground.



17. In his statement to law enforcement, WOLFE said that he pushed the barrel visible in the photograph above into the fire. WOLFE stated that he knew the barrel would burn, make the fire bigger, and help keep the fire burning. Investigators at the scene recovered charred barrel rings in the vicinity of where the barrel can be seen in the photograph. Based on WOFLE's statements and recovery of the physical evidence from the scene (including charred barrel rings), I believe the barrel was burned in the fire.

Law Enforcement Searches WOLFE's Apartment

18. Following WOLFE's arrest, on or about June 3, 2020, law enforcement obtained a search warrant for WOLFE's apartment in St. Paul and subsequently conducted a search of the apartment. Law enforcement recovered additional items belonging to the Minneapolis Police Department, including a riot helmet, 9mm pistol magazine, police radio, and police issue overdose kit.

The Minneapolis Police Department Third Precinct

19. Based on information provided to me by the Minneapolis Police Department, the Third Precinct, located at 3000 Minnehaha Avenue, is property of the City of Minneapolis. Both the Minneapolis Police Department and the City of Minneapolis conduct business in interstate commerce, for example by purchasing vehicles and other equipment and supplies in interstate commerce. The activities of the Minneapolis Police Department and the City of Minneapolis government in enforcing laws also affect interstate commerce.

CONCLUSION

20. Based on these facts, I believe there is probable cause that WOLFE has violated Title 18, United States Code, Sections 2 and 844(i), in that he aided and abetted others in maliciously damaging by means of fire the Minneapolis Third Precinct police building located at 3000 Minnehaha Avenue, Minneapolis, Minnesota, a building used in interstate commerce.

Further Your Affiant Sayeth Not.



Nathan R. Boyer
ATF Special Agent

SUBSCRIBED and SWORN to before me by reliable electronic means (FaceTime and email) pursuant to Fed. R. Crim. P. 41(d)(3) on this 8th day of June, 2020.



The Honorable Hildy Bowbeer
United States Magistrate Judge